3.0 – ENVIRONMENTAL JUSTICE

3.0 ENVIRONMENTAL JUSTICE

On February 11, 1994, President Clinton issued an “Executive Order on Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations” designed to focus attention on environmental and human health conditions in areas of high minority populations and low-income communities, and promote non-discrimination in programs and projects substantially affecting human health and the environment (White House, 1994). The order requires the U.S. Environmental Protection Agency (EPA) and all other federal agencies (as well as State agencies receiving federal funds) to develop strategies to address this issue. The agencies are required to identify and address any disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

In 1997, the EPA’s Office of Environmental Justice released the *Environmental Justice Implementation Plan*, supplementing the EPA environmental justice strategy and providing a framework for developing specific plans and guidance for implementing Executive Order 12898. Federal agencies received a framework for the assessment of environmental justice in the EPA’s Guidance for Incorporating Environmental Justice Concerns in EPA’s National Environmental Protection Act (NEPA) Compliance Analysis in 1998. This approach emphasizes the importance of selecting an analytical process appropriate to the unique circumstances of the potentially affected community.

While many State agencies have utilized the EPA’s *Environmental Justice Implementation Plan* as a basis for the development of their own environmental justice strategies and policies, as of yet the majority of California State agencies do not have guidance for incorporation of environmental justice impact assessment into the California Environmental Quality Act (CEQA) analysis. The State Air Resources Board has, for example, examined this issue and has received advice from legal counsel, by a memorandum entitled "CEQA and Environmental Justice". This memorandum states, in part, "For the reasons set forth below, we would conclude that the CEQA can readily be adapted to the task of analyzing cumulative impacts/environmental justice whenever a public agency (including the California Air Resources Board (CARB), the air pollution control districts, and general purpose land use agencies) undertakes or permits a project or activity that may have a significant adverse impact on the physical environment. All public agencies in California are currently obliged to comply with the CEQA, and no further legislation would be needed to include an environmental justice analysis in the CEQA documents prepared for the discretionary actions public agencies undertake".

Under AB 1553, signed into law in October 2001, the Governor's Office of Planning and Research (OPR) is required to adopt guidelines for addressing environmental justice issues in local agencies' general plans. Currently, the OPR is in the process of updating the General Plan Guidelines to incorporate the requirements of AB 1553.

California State Lands Commission Policy

The California State Lands Commission (CSLC) has developed and adopted an Environmental Justice Policy to ensure equity and fairness in its own processes and procedures. The CSLC adopted an amended Environmental Justice Policy on October 1, 2002, to ensure that "Environmental Justice is an essential consideration in the Commission's processes, decisions and programs and that all people who live in California have a meaningful way to participate in these activities." The policy stresses equitable treatment of all members of the public and commits to consider environmental justice in its processes, decision-making, and regulatory affairs which is implemented, in part, through identification of, and communication with, relevant populations that could be adversely and disproportionately impacted by CSLC projects or programs, and by ensuring that a range of reasonable alternatives is identified that would minimize or eliminate environmental impacts affecting such populations. This discussion is provided in this document consistent with and in furtherance of the Commission's Environmental Justice Policy. The staff of the CSLC is required to report back to the Commission on how environmental justice is integrated into its programs, processes, and activities (CSLC 2002).

This section analyzes the distributional patterns of high-minority and low-income populations on a regional basis and characterizes the distribution of such populations adjacent to the proposed pipeline corridor. This analysis focuses, in the main, on whether the proposed Project's impacts have the potential to affect area(s) of high-minority population(s) and low-income communities disproportionately and, thus create an adverse environmental justice impact.

The environmental justice evaluation of the Project has been completed by answering the following three questions sequentially:

(1) Would the Project cause high or adverse public health or environmental impacts on the public?

(2) Do minority or low-income populations exist within the potential impact area of the proposed Project?

(3) If there are any high or adverse Project impacts, would they disproportionately affect minority or low-income populations?

3.1 Environmental Setting

The study area is located within two block groups in San Joaquin and Contra Costa Counties. Information regarding racial diversity and income levels of the residents of these block groups is derived from 2000 U.S. Census information. A summary of this information for the State of California and for San Joaquin and Contra Costa counties is provided in Tables 3-1 and 3-2. On average, San Joaquin County contains a higher minority population than the State, while Contra Costa County on average has a smaller minority population than the State. The same is true for per capita income and the poverty level rate. The San Joaquin County block group has a minority population of 83.6 percent, significantly higher than the county average of 42.1 percent. The Contra Costa County block group has a minority population of 34.5 percent, slightly lower than the county average of 34.7 percent.

Table 3-1: Summary of Census 2000 Demographics for Region

County	Total Population	Percent Minority	Annual per Capita Income	Percent Below Poverty Level	Percent Age 65 or Above
San Joaquin County	563,598	42.1%	$17,365	17.7%	10.6
Contra Costa County	948,816	34.7%	$30,615	7.6%	11.3
Total for California	33,871,648	40.6%	$22,711	14.2%	10.6

Source: US Census Bureau, Census 2000.

3.1.1 Regulatory Setting

Federal

EO 12898 issued on February 11, 1994 (EPA 1994), requires the EPA and all other Federal agencies (as well as State agencies receiving Federal funds) to identify and address any disproportionately high adverse human health or environmental effects of their programs, policies, and activities on minority and/or low-income populations.

Table 3-2: Summary of Census 2000 Race and Ethnicity Demographics for Region

County	Total Population	Percent White	Percent Black or African American	Percent American Indian & Alaska Native	Percent Asian	Percent Native Hawaiian & Other Pacific Islander	Percent Some Other Race	Percent Two or More Races	Percent Hispanic or Latino (of Any Race)	Percent Minority
San Joaquin County	563,598	58.1	6.7	1.1	11.4	0.3	16.3	6.0	30.5	42.1
Contra Costa County	948,816	65.5	9.4	0.6	11.0	0.4	8.1	5.1	17.7	34.7
Total for California	33,871,648	59.5	6.7	1.0	10.9	0.3	16.8	4.7	32.4	40.6

Source: US Census Bureau, Census 2000.

In 1997, the EPA's Office of Environmental Justice released the *Environmental Justice Implementation Plan* (EPA 1997), supplementing the EPA environmental justice strategy and providing a framework for developing specific plans and guidance for implementing EO 12898. In 1998, EPA developed a framework for the assessment of environmental justice in the preparation of environmental impact statements and environmental assessments under the NEPA. This document, the *Final Guidance for Incorporating Environmental Justice Concerns in EPA's NEPA Compliance Analysis* (EPA 1998), emphasizes the importance of selecting an analytical process appropriate to the unique circumstances of the potentially affected community.

State

The CSLC has developed an environmental justice policy to ensure equity and fairness in its own processes and procedures. The CSLC adopted an amended Environmental Justice Policy on October 1, 2002, to ensure that "Environmental Justice is an essential consideration in the Commission's processes, decisions and programs and that all people who live in California have a meaningful way to participate in these activities" (CSLC 2002).

The CSLC relies on the CEQA process to identify relevant low income and minority populations that could be adversely and disproportionately affected by CSLC-reviewed projects or programs, to encourage participation of these populations, and to address potential impacts on such populations.

Regional and Local

In some parts of California, Metropolitan Transportation Agencies and Councils of Governments (COGs) have developed environmental justice policies in response to EO 12898, the 1990 Americans with Disabilities Act, the 1990 Clean Air Act Amendments, and the Intermodal Surface Transportation Efficiency Act of 1991. The Contra Costa County Board of Supervisors established an Environmental Justice policy in 2003 (Kent 2006). At this time, San Joaquin County does not have a formal Environmental Justice policy.

3.1.2 Analysis Criteria

According to EO 12898 and CSLC policy (CSLC 2002, 2003), an environmental justice impact would be considered significant and would require mitigation if Project

construction or operation would cause any minority or low-income population to bear a disproportionate share of an adverse impact.

3.1.3 Impact Analysis and Mitigation

For this analysis, an impact area of one mile centered on the proposed pipeline was used. This potential impact area encompasses not only any construction-related impacts on populations near the pipeline but is also the distance at which members of the public have a potential to be affected in the unlikely event of a rupture and explosion on the natural gas pipeline.

Potentially Affected Populations

The remainder of this section analyzes potential impacts on minority and low-income populations within the potential impact area of the Project. Evaluation of these populations is based on US Bureau of the Census, Census 2000 data. The potential impact area of the Project crosses two block groups within two census tracts, one in San Joaquin County and the other in Contra Costa County. According to census data, these tracts include a total population of 3,938 persons.

Potential environmental justice areas of concern within the potential Project impact area were identified by comparing average minority and low-income population percentages within tracts in the potential Project impact area to threshold values. These threshold values were calculated by multiplying the county average for which the tract is located by 1.2. This methodology is consistent with that proposed by EPA Region 4 Interim Policy to Identify and Address Potential Environmental Justice Areas.

Low-Income Populations

Table 3-3 shows the populations below poverty level and the average per capita income in the block groups in the potential impact area of the Project. The block groups crossed by the Project had an average per capita income of $9,766 in San Joaquin County and $24,513 in Contra Costa County, both of which are lower than the county averages of $17,365 and $30,615, respectively. Additionally, the percent of population below poverty level in the potentially affected block groups (42.9 percent in San Joaquin County and 10.3 percent in Contra Costa County) is higher than the averages for the two counties (17.2 percent and 7.5 percent).

Table 3-3: Low-Income Populations in Potential Project Impact Area

Tracts in Potential Impact Area	Total Population	Population Below Poverty Level	Percent Below Poverty Level	Per Capita Income	Number of Occupied Residential Buildings within Potential Impact Area[1]	Percentage of Significant Low-Income Populations Potentially in Project Impact Area[2]
San Joaquin County	**563,598**	**97,105**	**17.2%**	**$17,365**		
Block Group 1, Census Tract 39	1,628	698	42.9%	$9,766	5 Trailers 1 Dormitory	6%
Contra Costa County	**948,816**	**71,575**	**7.5%**	**$30,615**		
Block Group 4, Census Tract 3040	2,310	237	10.3%	$24,513	0	0%

Notes:
1 Potential Project impact area of Line 57C is one mile centered along the alignment of the proposed pipeline.
2 Tracts with potentially significant low-income populations are those tracts with populations with annual per capita income below 0.8 times the average for the county in which the tract is located or populations with a percentage of persons below poverty level above 1.2 times the county average. Additionally, a potentially significant low-income area must contain residential buildings within the potential project impact area. It was assumed that the agricultural workers living within the potential impact area were included in the Census Bureau data. The maximum number of occupants (45) was used to determine the percentage.
Source: US Census Bureau, Census 2000.

Both of the block groups in the potential impact area contain populations below the poverty level that exceed averages for the county in which they are located. Both also show a lower average per capita income than county averages. The block group within San Joaquin County was identified to contain low-income communities and residential buildings within the potential impact area of the Project.

Minority Populations

Table 3-4 shows the relative minority populations based on the block groups in the potential impact area of the Project, as well as the average minority populations for San Joaquin and Contra Costa Counties. In the San Joaquin County block group, there is an average of 83.6 percent minority population, compared to 42.1 percent for the county. In the Contra Costa County block group, there is an average of 34.5 percent minority population, while the county averages 34.7 percent.

One block group in the potential impact area contains minority percentages exceeding averages for the county in which is located. This block group contains a large Hispanic population. Residences are currently located on McDonald Island and Bacon Island. There are 5 temporary housing trailers and one dormitory that house 15 to 45 farm workers, depending on the season, approximately 60 feet south of the proposed

pipeline on McDonald Island. All of these residences are in the San Joaquin County block group identified to contain high minority and low income populations.

Table 3-4: Minority Populations in Potential Project Impact Area

Tracts in Potential Impact Area	Total Population	Minority Population	Percent Minority	Number of Occupied Residential Buildings within Potential Impact Area[1]	Percentage of Significant Minority Populations Potentially in Project Impact Area[2]
San Joaquin County	**563,598**	**237,284**	**42.1%**		
Block Group 1, Census Tract 39	1,628	1,361	83.6%	5 Trailers 1 Dormitory	3%
Contra Costa County	**948,816**	**329,240**	**34.7%**		
Block Group 4, Census Tract 3040	2,310	796	34.5%	0	0%

1 Potential Project impact area of Line 57C is one mile centered along the alignment of the proposed pipeline.
2 Tracts with potentially significant minority populations are those tracts with minority populations above 1.2 times the average for the county in which the tract is located and residential buildings within the potential Project impact area. It was assumed that the agricultural workers living within the potential impact area were included in the Census Bureau data. The maximum number of occupants (45) was used to determine the percentage.
Source: US Census Bureau, Census 2000.

Identification of Disproportionately High and Adverse Environmental Effects

When determining whether environmental effects disproportionately impact relevant populations, the following factors are considered:

- whether there is or would be an impact on the natural or physical environment that significantly and adversely affects the identified minority, or low-income population. Such effects may include ecological, cultural, human health, economic, or social impacts on the identified communities when those impacts are interrelated to impacts on the natural or physical environment.
- whether environmental effects are significant and would result in an adverse impact on the identified population that appreciably exceeds or is likely to appreciably exceed that impact on the general population or other appropriate comparison group.
- whether the environmental effects occur or would occur in the identified minority population that is affected by cumulative or multiple adverse exposures from environmental hazards.

Impact EJ-1: Operation of the proposed Project could disproportionately impact low income or minority populations.

Potential environmental effects that could result from the Project are addressed in Sections 2.3.1 to 2.3.17 of this IS/MND. There are no significant construction-related impacts after mitigation expected for the Project. Therefore, no adverse construction-related impacts are expected after mitigation proposed in Sections 2.3.1 to 2.3.17. Thus, no population, including minority or low-income populations in the Project area will be affected.

Section 2.3.7, Hazards and Hazardous Materials, specifically evaluates any risks the Project may pose to the safety and health of the public. As discussed in this section, risk of pipeline upset or explosion would be significantly reduced by compliance with U.S. Department of Transportation (DOT) regulations on pipeline construction and operating pressures. Potential risks would also be significantly reduced with the Applicant's use of their *Hazardous Materials Business Plan, McDonald Island Underground Natural Gas Storage Facility* (Pacific Gas and Electric [PG&E] 2005) and the *Emergency Plan Manual* (PG&E 2004a) with established guidelines and procedures to be followed in the event of an emergency associated with the proposed Project.

Despite these measures, it is still possible that upset or explosion of the pipeline could occur. However, as discussed in Section 2.3.7, Hazards and Hazardous Materials, this impact on public safety is considered less-than-significant after mitigation.

The majority of the proposed Line 57C is located on agricultural land of very low population density. Section 2.3.7, Hazards and Hazardous Materials, describes the DOT class designations within the Project impact area. These class designations are based on population density, with Class 1 the least dense and Class 4 the most dense. As shown on Figure 10, most of Line 57C is located in a Class 1 area. The significant low-income community potentially impacted by the Project is located in a Class 3 area. As indicated previously, a dormitory and five trailers are located within the potential impact area of the Project. All of these residences are in a block group with a significant minority population.

The Applicant has designed the Project to reduce the potential for and potential impacts of an upset or explosion by: (1) designing the entire pipeline to the higher Class 3 standards; (2) providing six feet of cover over the pipeline; (3) coating the pipeline with two inches of reinforced concrete; and (4) locating the pipe along roadways and out of areas subject to disturbance by regular agricultural activities in consultation with the

affected landowners. Further, the pipeline would be operated and maintained in accordance with the Hazardous Materials Business Plan (PG&E 2005) and the Emergency Plan Manual (PG&E 2004a).

The more stringent design and engineering requirements associated with a Class 3 pipeline have been developed to reduce the risks of a potential release of natural gas along the entirety of the route. These requirements are intended to reduce potential risks by reducing the potential frequency or likelihood of an accident. Implementation of the Mitigation Measure below would, in addition, automatically impose additional inspection, testing, maintenance, reporting, and public education requirements for the operation of this pipeline. The intent of the additional requirements for additional inspection, testing, maintenance, reporting, and public education requirements for the operation of this pipeline is to further reduce the potential risks related to the proposed pipeline in the area.

With the implementation of the Class 3 design requirements, in conjunction with the additional requirements put in place with the route's treatment as a High Consequence Area, the presence and operation of the proposed pipeline would not constitute a significant environmental justice impact, i.e., have a potentially disproportionate impact, as defined herein, on a minority or low-income population.

Mitigation Measure EJ-1

The Applicant shall adopt a High Consequence Area type integrity assessment for the entire pipeline route.

3.1.4 Cumulative Impacts

In addition to the proposed Project, other projects may contribute to cumulative impacts on public safety in the vicinity of the Project. There are currently no projects under construction that would potentially contribute to cumulative impacts in the vicinity of the Project, as discussed in Section 2.3.17, item b in the Mandatory Findings of Significance.

3.1.5 Alternatives

The CEQA does not require a review of alternatives within a Mitigated Negative Declaration. However, at the request of the CSLC and as part of PG&E's standard policy, a review of a range of alternatives that could feasibly meet the Project objectives

was analyzed and can be found in Appendix A of PG&E's *Line 57C Reliability Project Environmental Analysis*.

Several alternatives were evaluated for consistency with the Project objective of providing redundant facilities for Line 57B. These included several alternative routes, a line parallel to Line 57B, and upgrades to Line 57B. None of these alternatives would lessen the potential impact on minority or low income populations because each, with the exception of the No Project alternative, would require construction on McDonald Island within the potential impact area of the temporary agricultural housing. The No Project alternative would not expose minority or low-income populations to any greater risk than now exists for Line 57B, but would not achieve the Project objective of redundant gas facilities in the event that Line 57B fails.